



To the Honorable Council
City of Norfolk, Virginia

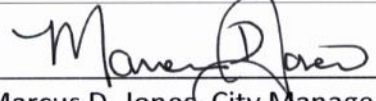
February 9, 2016

From: George M. Homewood, AICP, CFM, Planning Director

Subject: **Special Exceptions to operate an eating and drinking establishment and sell alcohol for off-premises consumption at 150 Boush Street – Humboldt Steel Corp II**

Reviewed: 
Ronald H. Williams, Jr., Deputy City Manager

Ward/Superward: 2/6

Approved: 
Marcus D. Jones, City Manager

Item Number: **R-19**

- I. **Staff Recommendation:** Approval.
- II. **Commission Action:** By a vote of **7 to 0**, the Planning Commission recommends **Approval**.
- III. **Request:** Special Exceptions to operate an eating and drinking establishment and sell alcohol for off-premises consumption
- IV. **Applicant:** Humboldt Steel Corp II
- V. **Description:**
 - Granting this request will allow a new restaurant, Humboldt Steel Corp II, to open and serve alcoholic beverages to its patrons for both on-premises and off-premises consumption.
 - The applicant proposes to follow the business model from their existing Portsmouth, VA location and sell 128-ounce growlers for off-premises consumption.
 - They also request permission to sell alcohol in different sized growlers and in six-packs and four-packs for future business model changes.

Staff point of contact: Chris Blough at 664-6771, Christopher.blough@norfolk.gov

Attachments:

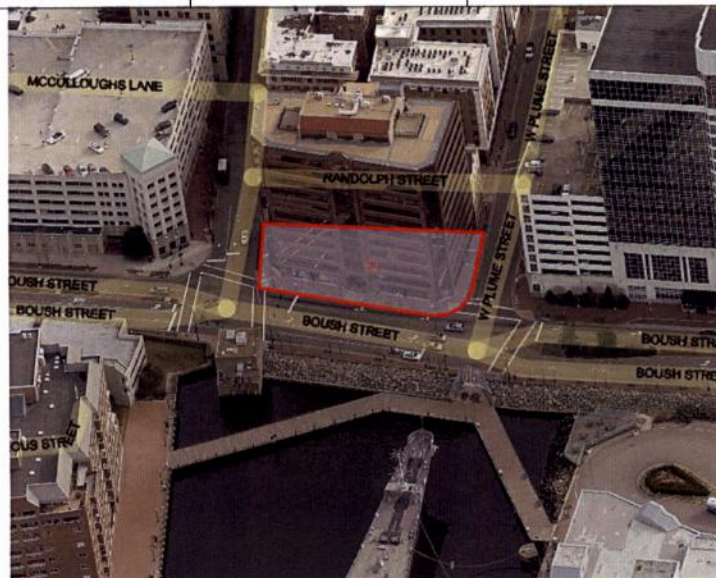
- Staff Report to CPC dated January 28, 2016 with attachments
- Proponents and Opponents
- Ordinances

Planning Commission Public Hearing: January 28, 2016

Executive Secretary: George M. Homewood, AICP, CFM

Planner: Chris Blough

Staff Report	Item No. 13	
Address	150 Boush Street	
Applicant	Humboldt Steel Corp II	
Request	Special Exception	<ul style="list-style-type: none"> • Eating and drinking establishment • Sale of alcoholic beverages for off-premises consumption
Property Owner	CIG Town Point Center, LLC	
Site Characteristics	Building Area/Space	131,000 sq. ft./1,983 sq. ft.
	Future Land Use Map	Downtown
	Zoning	D-2 (Downtown Regional Center District)
	Neighborhood	Downtown
	Character District	Downtown
Surrounding Area	North	D-3 (Freemason/Granby Conservation and Mixed Use District): Boush Street Garage
	East	D-2: Residential Apartments
	South	D-2: Suntrust Building
	West	D-1 (Downtown Waterfront District): Nauticus



A. Summary of Request

- Granting this request will allow a new restaurant, Humboldt Steel Corp II, to open and serve alcoholic beverages to its patrons for both on-premises and off-premises consumption.
- The applicant proposes to follow the business model from their existing Portsmouth, VA location and sell 128-ounce growlers for off-premises consumption.
 - They also request permission to sell alcohol in different sized growlers and in six-packs and four-packs for future business model changes.

B. Plan Consistency

The proposed special exceptions are consistent with *plaNorfolk2030*, which designates this site as downtown.

C. Zoning Analysis

i. General

- The site is located in the D-2 district, which permits the proposed use by special exception.

	Proposed (Humboldt Steel Corp II)
Hours of Operation and Hours for the Sale of Alcoholic Beverages	10:00 a.m. until 2:00 a.m., Seven Days a Week
Hours for the Sale of Alcoholic Beverages for Off-Premises Consumption	10:00 a.m. until 2:00 a.m., Seven Days a Week
Capacity	52 seats indoors 0 seats outdoors 70 total capacity

- Special Exception history:

City Council Approval	Applicant	Request
Pending	Humboldt Steel Corp II	<ul style="list-style-type: none">• Eating and Drinking Establishment• Sale of Alcoholic Beverages for Off-Premises Consumption

ii. Parking

The site is located within the D-2 zoning district, which does not require off-street parking.

iii. Flood Zone

- The property is located in the X, X (Shaded), and AE flood zones, which are low-to moderate and high risk flood zones.
- There are no planned structural changes to the property.

D. Transportation Impacts

Institute of Transportation Engineers (ITE) figures estimate that this new restaurant will generate 251 new vehicle trips per day.

E. Historic Resources Impacts

- The building is located within the Downtown Historic Overlay District and is a contributing structure within a federal and state designated historic district.
- Any modifications to the exterior of the building shall be subject to the Architectural Review Board for review and approval.

F. Public Schools Impacts

This site is located within the Tidewater Park Elementary School, Blair Middle School, and Maury High School Attendance Zones.

G. Environmental Impacts

There are currently no opportunities for landscaping site improvements to this existing building.

H. Surrounding Area/Site Impacts

By requiring this use to conform to the conditions listed below, the proposed eating and drinking establishment should not have a negative effect on the surrounding neighborhood.

I. Payment of Taxes

The owner of the property is current on all real estate taxes.

J. Civic League

The application was sent to the Downtown Norfolk Civic League, Downtown Norfolk Council, and Freemason Street Area Association on December 16.

K. Communication Outreach/Notification

- Legal notice was posted on the property on December 15.
- Letters were mailed to all property owners within 300 feet of the property on January 15.
- Legal notification was placed in *The Virginian-Pilot* on January 14 and January 21.

L. Recommendation

Staff recommends that the special exception request be **approved** subject to the conditions shown below:

Eating and Drinking Establishment

- (a) The hours of operation for the establishment and for the sale of alcoholic beverages shall be from 10:00 a.m. until 2:00 a.m., seven days a week. No use of the establishment outside of the hours of operation listed herein shall be permitted.
- (b) The seating for the establishment shall not exceed 52 seats indoors, no seats outdoors, and the total occupant capacity, including employees, shall not exceed 70 people. The use authorized by this special exception shall not commence until a certificate of occupancy reflecting these limits has been issued by the Department of Planning.
- (c) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier.
- (d) The establishment shall maintain a current, active business license at all times while in operation.
- (e) The establishment shall remain current on all food and beverages taxes and business personal property taxes which may become due while it is in operation.
- (f) No public telephone(s) shall be permitted on the exterior of the property. Any public phone(s) on the interior of the building shall be located in an area within full view of the establishment's staff and shall not be permitted within any restroom.
- (g) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the special exception so as to keep such areas free of litter, refuse, solid waste, and any bodily discharge.

- (h) A menu shall be provided containing an assortment of foods which shall be made available at all times the establishment is open. A food menu and full dining service shall be available at the bar.
- (i) The business authorized by this special exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this special exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new special exception must be obtained prior to implementing such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.
- (j) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this special exception. This special exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.
- (k) There shall be no entertainment, no dancing, and no dance floor provided.
- (l) Neither the establishment nor any portion of it shall be leased, let, or used to stage any private party and no outside promoter shall be permitted to use, operate, rent, or host any event on the premises.
- (m) A copy of this special exception ordinance and Exhibits shall be available on the premises at all times for inspection, and a notice indicating that this special exception ordinance and all amendments are kept on the premises and are available for review by any member of the general public shall be posted in a visible location. The notice shall also contain information on where and how to report violations of conditions and shall include the address of the zoning administrator.

Sale of Alcoholic Beverages for Off-Premises Consumption

- (a) The hours of operation for the sale of alcoholic beverages for off-premises consumption shall be limited to 10:00 a.m. until 2:00 a.m., seven days a week.

- (b) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier.
- (c) No alcoholic beverages other than those defined as "beer," "wine," "wine cooler," or "low alcohol beverage cooler," as defined by state law, shall be sold.
- (d) No alcoholic beverage having more than 21% alcohol by volume shall be sold.
- (e) Beer shall be sold only in growler containers, either sold on-premises or provided by the customer for refill, which are exclusively produced in bottles of 32 ounces or greater. No wine shall be sold or refilled in containers less than 375 ml each.
- (f) The facility shall maintain a current, active business license at all times while in operation.
- (g) The business authorized by this Special Exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this Special Exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new Special Exception must be obtained prior to any such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.
- (h) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this Special Exception. This Special Exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.

- (i) A copy of this Special Exception ordinance and "Exhibit A" shall be available on site at all times for inspection, and a notice indicating that this Special Exception ordinance and all amendments are kept on the premises and are available for review by any member of the general public shall be posted in a visible location. The notice shall also contain information on where and how to report violations of conditions and shall include the address of the zoning administrator.
- (j) At all times, all temporary window signage must comply with the applicable regulations of Chapter 16 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), entitled "Signs."

Attachments:

Location Map

Zoning Map

1000' radii map of similar ABC establishments and Norfolk Public Schools

Application

Notice to the Downtown Norfolk Civic League, Downtown Norfolk Council, and Freemason Street Area Association

Letter of No Opposition from the Downtown Norfolk Council and Downtown Norfolk Civic League

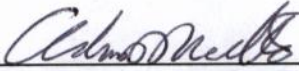
Proponents and Opponents

Proponents

Rick Henn
1400 Granby Street
Norfolk, VA 23510

Opponents

Form and Correctness Approved:

By 
Office of the City Attorney

NORFOLK, VIRGINIA

Contents Approved:

By 
DEPT.

ORDINANCE No.

AN ORDINANCE GRANTING A SPECIAL EXCEPTION AUTHORIZING THE OPERATION OF AN EATING AND DRINKING ESTABLISHMENT NAMED "HUMBOLDT STEEL CORPORATION II" ON PROPERTY LOCATED AT 150 BOUSH STREET.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a Special Exception is hereby granted to Humboldt Steel Corporation II authorizing the operation of an eating and drinking establishment named "Humboldt Steel Corporation II" on property located at 150 Boush Street. The property which is the subject of this Special Exception is more fully described as follows:

Property fronts 103 feet, more or less, along the southern line of West City Hall Avenue, 166 feet, more or less, along the eastern line of Boush Street, and 77 feet, more or less, along the northern line of West Plume Street; premises numbered 150 Boush Street.

Section 2:- That the Special Exception granted hereby shall be subject to the following conditions:

- (a) The hours of operation for the establishment and for the sale of alcoholic beverages for on-premises consumption shall be limited to 10:00 a.m. until 2:00 a.m. the following morning, seven days per week. No use of the establishment outside of the hours of operation listed herein shall be permitted.
- (b) The seating for the establishment shall not exceed 52 seats indoors, no seats outdoors, and the total occupant capacity, including employees, shall not exceed 70 people. The use authorized by this special exception shall not commence until a certificate of occupancy reflecting these limits has been issued by the Department of Planning.

- (c) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier.
- (d) The establishment shall maintain a current, active business license at all times while in operation.
- (e) The establishment shall remain current on all food and beverages taxes and business personal property taxes which may become due while it is in operation.
- (f) No public telephone(s) shall be permitted on the exterior of the property. Any public phone(s) on the interior of the building shall be located in an area within full view of the establishment's staff and shall not be permitted within any restroom.
- (g) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the special exception so as to keep such areas free of litter, refuse, solid waste, and any bodily discharge.
- (h) A menu shall be provided containing an assortment of foods which shall be made available at all times the establishment is open. A food menu and full dining service shall be available at the bar.
- (i) The business authorized by this special exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this special exception. Should any owner, operator or manager desire to

operate the business in a manner different than as represented in "Exhibit A," a new special exception must be obtained prior to implementing such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.

- (j) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this special exception. This special exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.
- (k) There shall be no entertainment, no dancing, and no dance floor provided.
- (l) Neither the establishment nor any portion of it shall be leased, let, or used to stage any private party and no outside promoter shall be permitted to use, operate, rent, or host any event on the premises.
- (m) A copy of this special exception ordinance and Exhibits shall be available on the premises at all times for inspection, and a notice indicating that this special exception ordinance and all amendments are kept on the premises and are available for review by any member of the general public shall be posted in a visible location. The notice shall also contain information on where and how to report violations of conditions and shall include the address of the zoning administrator.

Section 3:- That the City Council hereby determines that the Special Exception granted herein complies with each of the requirements of § 25-7 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), namely that:

- (a) The proposed use and development will be in harmony with the objectives and policies of the adopted General Plan of Norfolk and with the general and specific purposes for which this ordinance was

enacted and for which the regulations of the district in question were established;

- (b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;
- (c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;
- (d) The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations;
- (e) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;
- (f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;
- (g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;
- (h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;
- (i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole;

- (j) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and
- (k) No application for a special exception shall be recommended or granted until any and all delinquent real estate taxes owed to the City of Norfolk on the subject property have been paid.

Section 4:- That the Special Exception granted hereby amends the previously granted special exception permitting the sale of alcoholic beverages for on-premises consumption on this property, adopted on May 26, 1987 (Ordinance No. 34,490). All provisions and conditions previously approved are entirely superseded by the terms of this Special Exception.

Section 5:- That this ordinance shall be in effect from the date of its adoption.

ATTACHMENTS:

Exhibit A (4 pages)
Exhibit B (1 page)



EXHIBIT "A"
Description of Operations
Eating and Drinking Establishment

Date 12/2/2015

Trade name of business Humboldt steel corp II

Address of business 150

Name(s) of business owner(s)* Christopher Bowman

Name(s) of property owner(s)* Cig Town Point Center, LLC

Daytime telephone number (757) 635-6022

*If business or property owner is partnership, all partners must be listed.

*If business or property owner is an LLC or Corporation, all principals must be listed.

1. Proposed Hours of Operation:

<u>Facility</u>		<u>Alcoholic Beverage Sales</u>	
Weekday	From <u>10:00</u> To <u>2:00AM</u>	Weekday	From <u>10:00</u> To <u>2:00 AM</u>
Friday	From <u>10:00</u> To <u>2:00AM</u>	Friday	From <u>10:00</u> To <u>2:00AM</u>
Saturday	From <u>10:00</u> To <u>2:00AM</u>	Saturday	From <u>10:00</u> To <u>2:00AM</u>
Sunday	From <u>10:00</u> To <u>2:00AM</u>	Sunday	From <u>10:00</u> To <u>2:00AM</u>

2. Type of ABC license applied for (check all applicable boxes)

☒ On-Premises ☒ Off-Premises (additional application required)

3. Type of alcoholic beverage applied for

☒ Beer ☒ Wine ☒ Mixed Beverage

4. Will indoor or outdoor entertainment be provided?

(Entertainment consists of anything more than one, unamplified musician)

☐ Yes (Different application required) ☒ No

DEPARTMENT OF CITY PLANNING

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised January 2015)

Exhibit A – Page 2
Eating and Drinking Establishment

5. Will video games, pool tables, game boards or other types of games be provided?
☒ Yes (If more than 4, additional application required) ☐ No

5a. If yes, please describe type and number of each game to be provided

2 BAR top games (in the future)
Snake Box

6. Will patrons ever be charged to enter the establishment?
☐ Yes ☒ No

6a. If yes, why

- 6b. Which days of the week will there be a cover charge (circle all applicable days)?

Monday Tuesday Wednesday Thursday Friday
Saturday Sunday

7. Will the facility or a portion of the facility be available for private parties?
☐ Yes ☒ No

7a. If yes, explain

8. Will a third party (promoter) be permitted to lease, let or use the establishment?
☐ Yes ☒ No

8a. If yes, explain

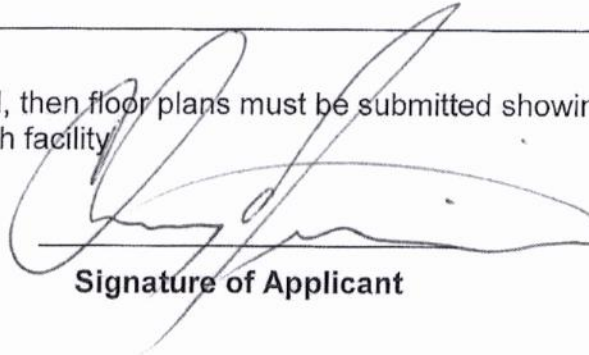
9. Will there ever be a minimum age limit?
☐ Yes ☒ No

Eating and Drinking Establishment

10. Additional comments/ description/operational characteristics or prior experience:

10 years in Restaurant industry

Note: If smoking is permitted, then floor plans must be submitted showing all necessary building requirements for such facility.



Signature of Applicant

**Exhibit A – Floor Plan(s) Worksheet
Eating and Drinking Establishment**

- Complete this worksheet based for each floor plan submitted with application.
- Floor plan must be prepared by a registered design professional and include:
 - Tables/seats
 - Restroom facilities
 - Bar
 - Ingress and egress
 - Standing room
 - Outdoor seating
 - Total maximum capacity (including employees)

Total capacity

a. Indoor

Number of seats (not including bar seats)	<u>42</u>
Number of bar seats	<u>10</u>
Standing room	<u>4</u>

b. Outdoor

Number of seats	<u>0</u>
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c. Number of employees

<u>14</u>

Total Occupancy

(Indoor/Outdoor seats, standing room and employees) = 70

DEPARTMENT OF CITY PLANNING

810 Union Street, Room 508

Norfolk, Virginia 23510

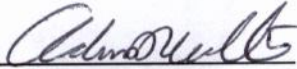
Telephone (757) 664-4752 Fax (757) 441-1569

(Revised January 2015)



Form and Correctness Approved:

Contents Approved:

By 
Office of the City Attorney

By 
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE GRANTING A SPECIAL EXCEPTION AUTHORIZING THE SALE OF ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION AT AN ESTABLISHMENT KNOWN AS "HUMBOLDT STEEL CORPORATION II" ON PROPERTY LOCATED AT 150 BOUSH STREET.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a Special Exception is hereby granted to Humboldt Steel Corporation II authorizing the sale of beer and wine for off-premises consumption at an establishment known as "Humboldt Steel Corporation II" on property located at 150 Boush Street. The property which is the subject of this Special Exception is more fully described as follows:

Property fronts 103 feet, more or less, along the southern line of West City Hall Avenue, 166 feet, more or less, along the eastern line of Boush Street, and 77 feet, more or less, along the northern line of West Plume Street; premises numbered 150 Boush Street.

Section 2:- That the Special Exception granted hereby shall be subject to the following conditions:

- (a) The hours of operation for the sale of alcoholic beverages for off-premises consumption shall be limited to 10:00 a.m. until 12:00 midnight, seven days per week. No alcoholic beverages shall be sold for off-premises consumption outside the hours listed herein.
- (b) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days

after the change or until a new special exception is granted showing the new owner, whichever is earlier.

- (c) No alcoholic beverages other than those defined as "beer," "wine," "wine cooler," or "low alcohol beverage cooler," as defined by state law, shall be sold.
- (d) No alcoholic beverage having more than 21% alcohol by volume shall be sold.
- (e) No refillable containers or containers that are filled one time, on site, and which have less than 32 oz. capacity shall be sold. No wine shall be sold in containers less than 375 ml each.
- (f) The facility shall maintain a current, active business license at all times while in operation.
- (g) The business authorized by this Special Exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this Special Exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new Special Exception must be obtained prior to any such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.
- (h) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this Special Exception. This Special Exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.
- (i) A copy of this Special Exception ordinance and

"Exhibit A" shall be available on site at all times for inspection, and a notice indicating that this Special Exception ordinance and all amendments are kept on the premises and are available for review by any member of the general public shall be posted in a visible location. The notice shall also contain information on where and how to report violations of conditions and shall include the address of the zoning administrator.

- (j) At all times, all temporary window signage must comply with the applicable regulations of Chapter 16 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), entitled "Signs."

Section 3:- That the City Council hereby determines that the Special Exception granted herein complies with each of the requirements of § 25-7 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), namely that:

- (a) The proposed use and development will be in harmony with the objectives and policies of the adopted general plan and with the general and specific purposes for which this ordinance was enacted and for which the regulations of the district in question were established;
- (b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;
- (c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;
- (d) The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations;
- (e) The proposed use and development will be served adequately by essential public facilities and

services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;

- (f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;
- (g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;
- (h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;
- (i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole;
- (j) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and
- (k) No application for a special exception shall be recommended or granted until any and all delinquent real estate taxes owed to the City of Norfolk on the subject property have been paid.

Section 4:- That this ordinance shall be in effect from the date of its adoption.

ATTACHMENT:
Exhibit A (3 pages)



EXHIBIT "A"

Description of Operations
Off-Premises Sale of Alcoholic Beverage

Date of Application: 12/2/2015
 Name of business: Humboldt Steel Corp. II
 Address of business: 150 BOUSH STREET
 Name(s) of business owner(s)*: Christopher Bowman / Humboldt Steel Corp.
 Name(s) of property owner(s)*: Clifton Point Center, LLC
 Name(s) of business manager(s)/operator(s): Christopher Bowman
 Daytime telephone number (757): 635-6022

*If business or property owner is partnership, all partners must be listed.

*If business or property owner is an LLC or Corporation, all principals must be listed.

1. Proposed Hours of Operation:

<u>Facility</u>	<u>Alcoholic Beverage Sales</u>
Weekday From <u>10:00 AM</u> To <u>2:00 AM</u>	Weekday From <u>10:00 AM</u> To <u>2:00 AM</u>
Friday From <u>10:00 AM</u> To <u>2:00 AM</u>	Friday From <u>10:00 AM</u> To <u>2:00 AM</u>
Saturday From <u>10:00 AM</u> To <u>2:00 AM</u>	Saturday From <u>10:00 AM</u> To <u>2:00 AM</u>
Sunday From <u>10:00 AM</u> To <u>2:00 AM</u>	Sunday From <u>10:00 AM</u> To <u>2:00 AM</u>

2. Type of alcoholic beverage applied for:

☒ Beer ☒ Wine ☒ Mixed Beverage

NA PVA

3. Alcoholic beverages to be sold:

☒ Room temperature ☒ Refrigerated

DEPARTMENT OF CITY PLANNING

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised January, 2015)



EXHIBIT "A"
Description of Operations
Off-Premises Sale of Alcoholic Beverage

Date of Application: 12/2/2015
Name of business: Humboldt Steel Corp. II
Address of business: 150 BOUSH STREET
Name(s) of business owner(s)*: Christopher Bowman / Humboldt Steel Corp.
Name(s) of property owner(s)*: Clifton Point Center, LLC
Name(s) of business manager(s)/operator(s): Christopher Bowman
Daytime telephone number (757): 635-6022

*If business or property owner is partnership, all partners must be listed.

*If business or property owner is an LLC or Corporation, all principals must be listed.

1. Proposed Hours of Operation:

Facility	Alcoholic Beverage Sales
Weekday From <u>10:00 am</u> To <u>2:00 am</u>	Weekday From <u>10:00 am</u> To <u>2:00 am</u>
Friday From <u>10:00 am</u> To <u>2:00 am</u>	Friday From <u>10:00 am</u> To <u>2:00 am</u>
Saturday From <u>10:00 am</u> To <u>2:00 am</u>	Saturday From <u>10:00 am</u> To <u>2:00 am</u>
Sunday From <u>10:00 am</u> To <u>2:00 am</u>	Sunday From <u>10:00 am</u> To <u>2:00 am</u>

2. Type of alcoholic beverage applied for:

☒ Beer ☒ Wine ☒ Mixed Beverage

NA RHA

3. Alcoholic beverages to be sold:

☒ Room temperature ☒ Refrigerated

DEPARTMENT OF CITY PLANNING

810 Union Street, Room 508

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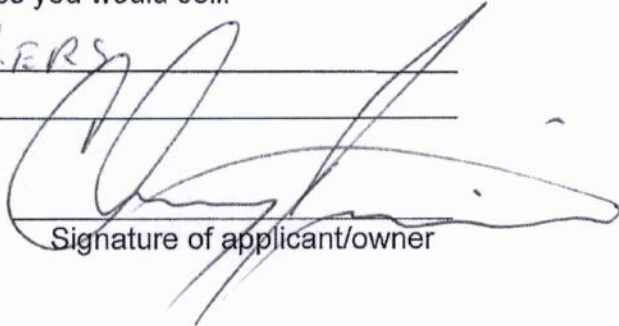
Telephone (757) 664-4752 Fax (757) 441-1569

(Revised January, 2015)

Exhibit A – Page 2
ABC-Off

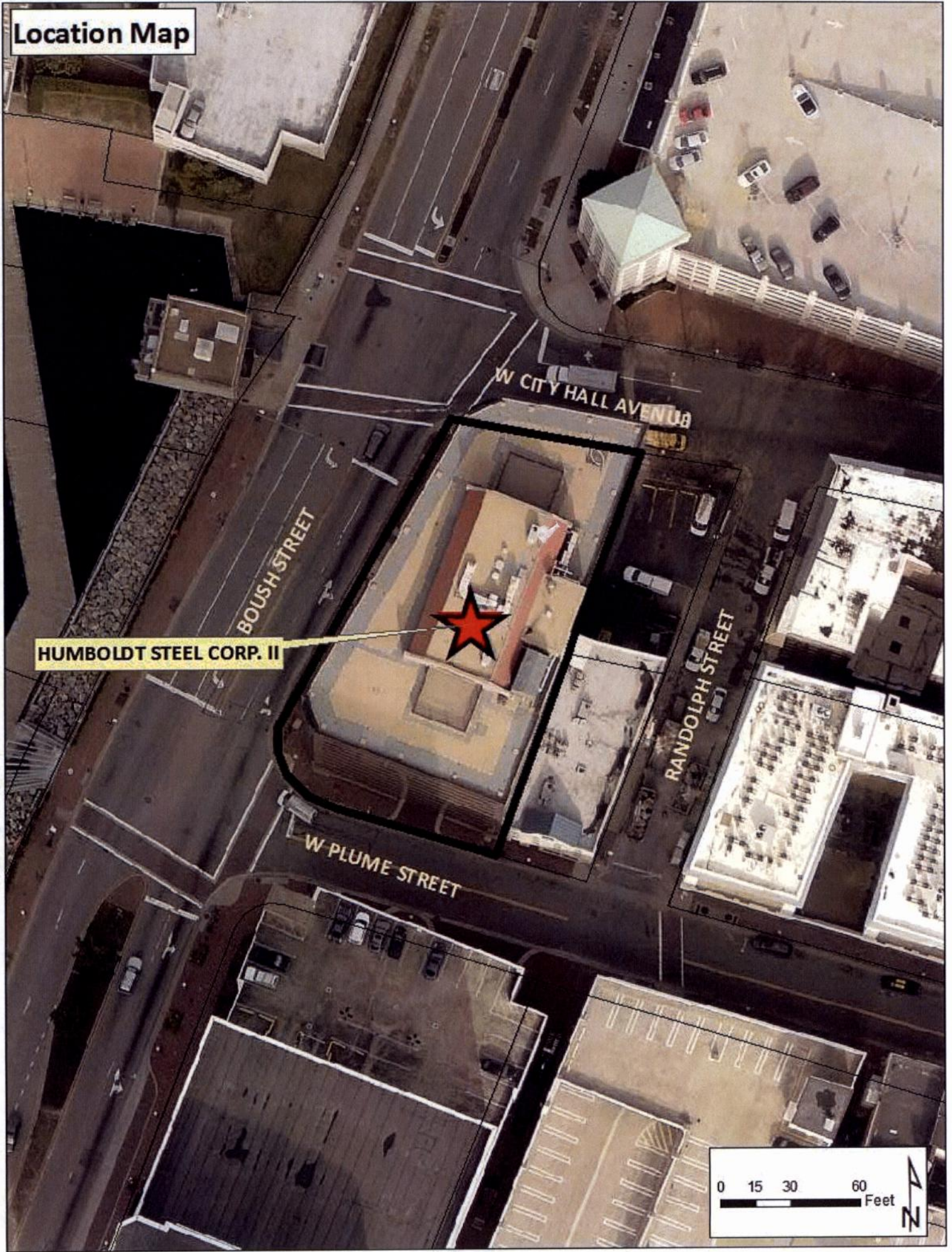
4. As a general rule, the City does not approve selling beer in a single-sized serving container or selling wine in a bottle that is less than 375 milliliters. If you are seeking approval to sell servings that do not meet these criteria, please explain your justification as well as indicate what sizes you would sell:

128 oz GROWLERS

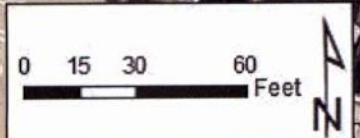


Signature of applicant/owner

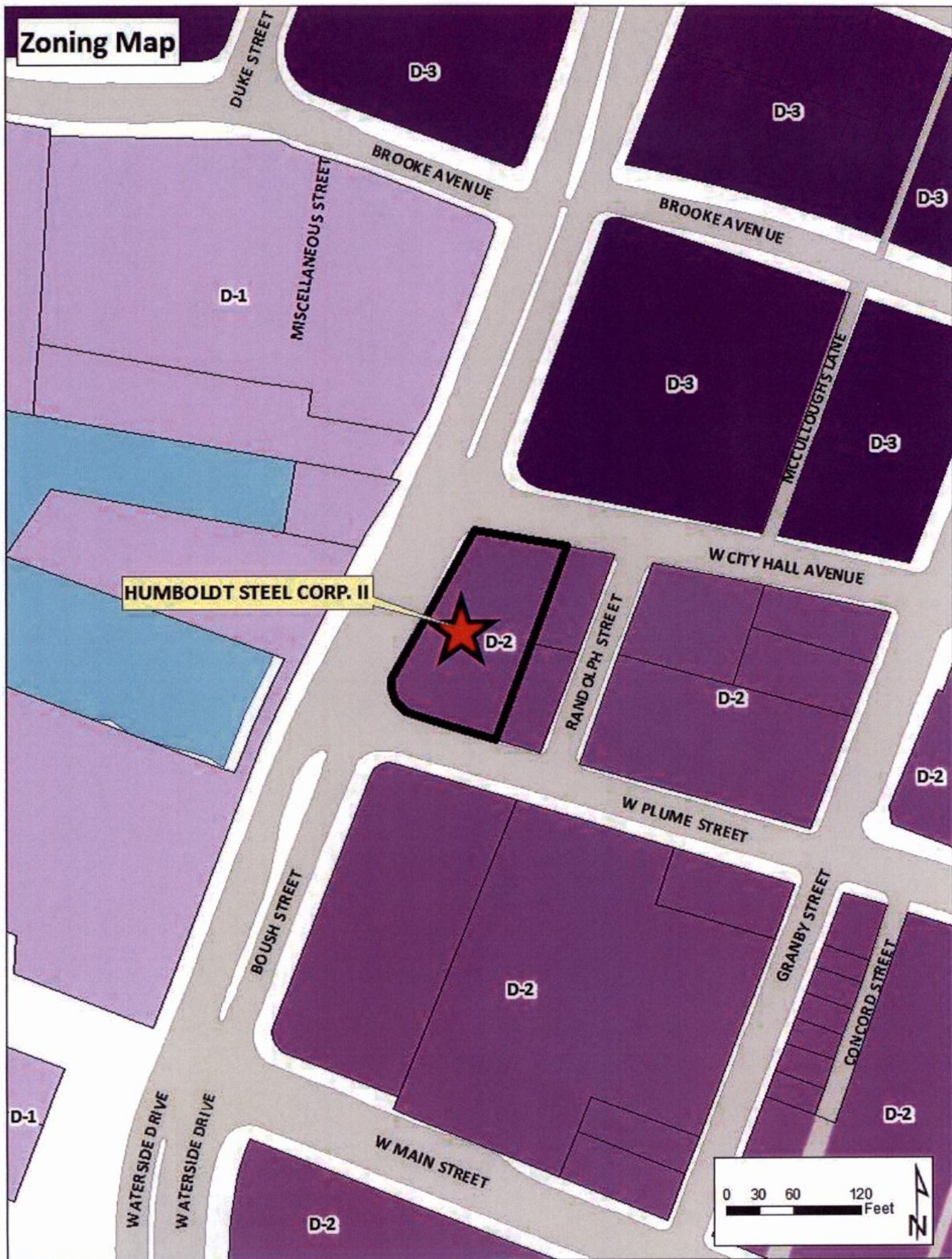
Location Map



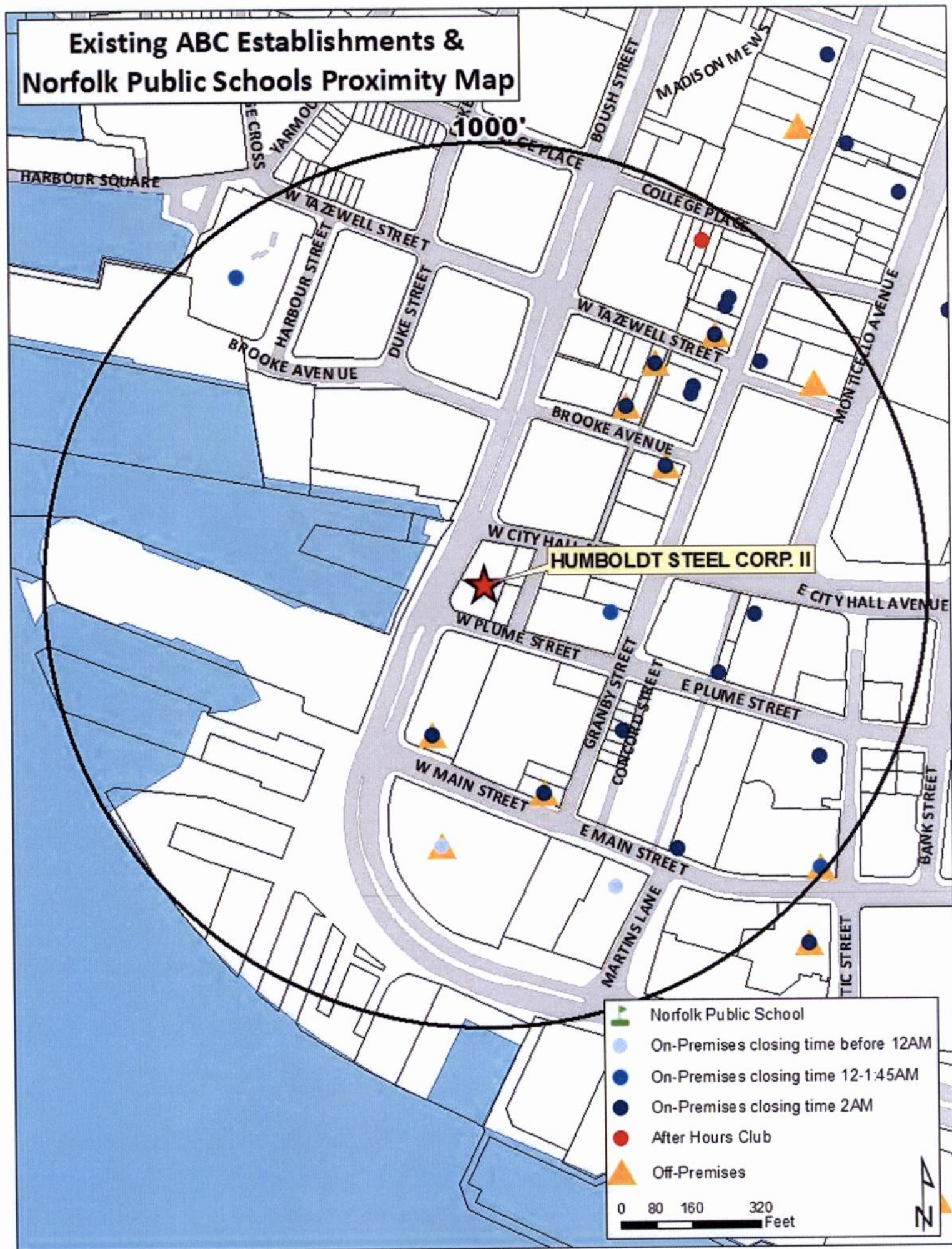
HUMBOLDT STEEL CORP. II



Zoning Map



Existing ABC Establishments & Norfolk Public Schools Proximity Map





**APPLICATION
ADULT USE SPECIAL EXCEPTION
EATING AND DRINKING ESTABLISHMENT
(Please print)**

Date 12/2/2015

DESCRIPTION OF PROPERTY

Address 150 Boush Street

Existing Use of Property Office Bldg w/ ground floor retail

Proposed Use Same

Current Building Square Footage 131,000 1983 LEAST RESISTANT

Proposed Building Square Footage Same

Trade Name of Business (if applicable) CIA Town Point Center, LLC

APPLICANT

(If applicant is a LLC or a Corp./Inc., include name of official representative and/or all partners)

1. Name of applicant: (Last) Bowman (First) Christopher (MI) 5

Mailing address of applicant (Street/P.O. Box): PO Box 9423

(City) Chesapeake (State) VA (Zip Code) 23321

Daytime telephone number of applicant (757) 635-6022 Fax () _____

E-mail address of applicant: Humboldt steelcorp@gmail.com

Application
Eating and Drinking Establishment
Page 2

AUTHORIZED AGENT (if applicable)

(If agent is a LLC or a Corp./Inc., include name of official representative and/or all partners)

2. Name of applicant: (Last) HENN (First) Pick (MI) J
Mailing address of applicant (Street/P.O. Box): 1400 GRANBY ST UNIT 407
(City) NORFOLK (State) VA (Zip Code) 23510
Daytime telephone number of applicant () 6156905 Fax () _____
E-mail address of applicant: Humboldtsteelcorp@gmail.com

PROPERTY OWNER

(If property owner is a LLC or a Corp./Inc., include name of official representative and/or all partners)

CIG Town Point Center, LLC
3. Name of property owner: (Last) Boehmcke (First) Brian (MI) E
Mailing address of property owner (Street/P.O. box): 150 Brush Street, suite 705
(City) Norfolk (State) VA (Zip Code) 23516
Daytime telephone number of owner (757) 496-1193 email: Brian@coheninvestmentsgr.com

CIVIC LEAGUE INFORMATION

Civic League contact: _____

Date(s) contacted: _____

Ward/Super Ward information: _____

REQUIRED ATTACHMENTS

- Required application fee, **\$355.00** (if check, make payable to the City of Norfolk).
 - Application fee includes a non-refundable \$5 technology surcharge.
- One 8½ inch x 11 inch copy of a floor plan prepared by a registered design professional drawn to scale showing seats/tables, restroom facilities, bar, ingress and egress, standing room, outdoor dining and total maximum capacity (see attached example)
- One 8½ x 14 inch or 11 x 17 inch copy of a physical survey, drawn to scale and showing site conditions and improvements (including portions of the right-of-way to the curb line):
 - Existing and proposed building structures
 - Driveways
 - Parking
 - Landscaping
 - Property lines (see attached example)
- One 8 ½ x 14 inch or 11 x 17 inch copy of a conceptual site plan drawn to scale and showing all proposed site improvements, landscaping, drive aisles and parking with dimensions, and proposed changes to parcel/property lines (including lease lines) if applicable.
- Completed Exhibit A, Description of Operations (attached)

CERTIFICATION

I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:

Print name: Brian Bodinche Sign: [Signature] 12/2/15
(Property Owner) (Date)

Print name: CHRISTOPHER BOWMAN Sign: [Signature] 12/2/15
(Applicant) (Date)

ONLY NEEDED IF APPLICABLE:

Print name: PICK HEM Sign: [Signature] 1/26/15
(Authorized Agent Signature) (Date)

DEPARTMENT OF CITY PLANNING

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised September 2015)



**APPLICATION
ADULT USE SPECIAL EXCEPTION
ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION**

Date of Application: 12/2/2015

DESCRIPTION OF PROPERTY

Property location: (Street Number) 150 (Street Name) Boush STREET
Existing Use of Property Office Building with ground floor retail
Current Building Square Footage 131,000
Proposed Use Same
Proposed Building Square Footage 1,983
Trade Name of Business (If applicable) Humboldt steel corp. II

APPLICANT

(If applicant is a LLC or a Corp./Inc., include name of official representative and/or all partners)

1. Name of applicant: (Last) Bowman (First) Christopher (MI) J
Mailing address of applicant (Street/P.O. Box): PO Box 9423
(City) Chesapeake (State) VA (Zip Code) 23321
Daytime telephone number of applicant (757) 635-6022 Fax () _____
E-mail address of applicant: Humboldtsteelcorp.com

AUTHORIZED AGENT (if applicable)

(If agent is a LLC or a Corp./Inc., include name of official representative and/or all partners)

2. Name of applicant: (Last) HENN (First) PICK (MI) J

Mailing address of applicant (Street/P.O. Box): 1400 GRADY ST 400 VAD

(City) NORFOLK (State) VA (Zip Code) 23510

Daytime telephone number of applicant () 6156905 Fax () _____

E-mail address of applicant: _____

PROPERTY OWNER

(If property owner is a LLC or a Corp./Inc., include name of official representative and/or all partners)

CIA Town Point Center, LLC

3. Name of property owner: (Last) Boehmke (First) Brian (MI) E

Mailing address of property owner (Street/P.O. box): 150 Boush Street, suite 705

(City) Norfolk (State) VA (Zip Code) 23510

Daytime telephone number of owner (757) 490-1193 email: Brian.e.cohen@investmentgrp.com

CIVIC LEAGUE INFORMATION

Civic League contact: _____

Date(s) contacted: _____

Ward/Super Ward information: _____

CERTIFICATION:

I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:

Print name: Brian E. Boehmke Sign: [Signature] 12 2 15
(Property Owner) (Date)

Print name: Christopher Bowman Sign: [Signature] 12 2 15
(Applicant) (Date)

ONLY NEEDED IF APPLICABLE:

Print name: Rick Henn Sign: [Signature] 11 26 15
(Authorized Agent Signature) (Date)

DEPARTMENT OF CITY PLANNING

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised September, 2015)

Blough, Christopher

From: Straley, Matthew
Sent: Wednesday, December 16, 2015 12:00 PM
To: dncl@welovenorfolk.org; Miller, Mary; ocs1062@cox.net
Cc: Whibley, Terry; Winn, Barclay; Howard, Oneiceia; Blough, Christopher
Subject: new Planning Commission applications - 150 Boush Street
Attachments: Humboldt_-eating_drinking.pdf; Humboldt-off premises.pdf

Mr. Murphy, Ms. Miller, and Mr. Kavanaugh:

Attached please find the following applications at 150 Boush Street:

- a. Special exception to operate an eating and drinking establishment.
- b. Special exception for the sale of alcoholic beverages for off-premises consumption.

The item is tentatively scheduled for the January 28, 2016 Planning Commission public hearing.

Should you have any questions, please e-mail or call *Chris Blough* at (757) 664-6771, christopher.blough@norfolk.gov

Thank You.

Matthew Straley

GIS Technician II

Norfolk Department of City Planning

810 Union Street, Suite 508 | Norfolk, Virginia 23510

Matthew.Straley@norfolk.gov | Tel: 757-664-4769 | Fax: 757-441-1569

Blough, Christopher

From: Straley, Matthew
Sent: Thursday, December 17, 2015 8:48 AM
To: Blough, Christopher
Subject: FW: new Planning Commission applications - 150 Boush Street

Importance: High

FYI: a string of emails about Humboldt Steel Corp.

From: Jack Kavanaugh [mailto:ocs1062@cox.net]
Sent: Wednesday, December 16, 2015 11:36 PM
To: Straley, Matthew
Cc: 'Kevin R. Murphy'; Miller, Mary
Subject: RE: new Planning Commission applications - 150 Boush Street
Importance: High

We won't have comments until mid January Matthew. There is concerns on parking and off premise alcohol from the condos on the South end of Freemason.

From: Mary E. Miller [mailto:mmiller@downtownnorfolk.org]
Sent: Wednesday, December 16, 2015 12:51 PM
To: Kevin R. Murphy; 'Jack Kavanaugh'
Subject: RE: new Planning Commission applications - 150 Boush Street

I am good too!



Mary B. Miller
President & CEO
Downtown Norfolk Council
223 E. City Hall Avenue, Suite #212, Norfolk, VA 23510

Phone: (757) 623-1757
Fax: (757) 623-1756
Cell: (757) 342-6201
mmiller@downtownnorfolk.org
DowntownNorfolk.org

The Downtown Norfolk Council is the unifying voice of its members and stakeholders, and the primary catalyst for advancing the collective vision for the future of Downtown. We are committed to being a leader, an advocate and a resource for Downtown's continuing development as an attractive, dynamic and economically vital place.

From: Kevin R. Murphy [mailto:krmurphy@verizon.net]
Sent: Wednesday, December 16, 2015 12:44 PM
To: 'Jack Kavanaugh'; Mary E. Miller
Subject: RE: new Planning Commission applications - 150 Boush Street

Nope.

From: Jack Kavanaugh [mailto:ocs1062@cox.net]
Sent: Wednesday, December 16, 2015 12:43 PM
To: Mary Miller <mmiller@downtownnorfolk.org>; Kevin Murphy <krmurphy@verizon.net>
Subject: FW: new Planning Commission applications - 150 Boush Street

Mary, Kevin any problems with this Pizza place? Parking?

From: Straley, Matthew [mailto:Matthew.Straley@norfolk.gov]
Sent: Wednesday, December 16, 2015 12:00 PM
To: dncl@welovenorfolk.org; Miller, Mary; ocs1062@cox.net
Cc: Whibley, Terry; Winn, Barclay; Howard, Oneiceia; Blough, Christopher
Subject: new Planning Commission applications - 150 Boush Street

Mr. Murphy, Ms. Miller, and Mr. Kavanaugh:

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Should you have any questions, please e-mail or call *Chris Blough* at (757) 664-6771, christopher.blough@norfolk.gov

Thank You.

Matthew Straley
GIS Technician II
Norfolk Department of City Planning
810 Union Street, Suite 508 | Norfolk, Virginia 23510
Matthew.Straley@norfolk.gov | Tel: 757-664-4769 | Fax: 757-441-1569